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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,844	01/16/2001	Masashi Onoue	892_015	6241
25191	7590	05/12/2005	EXAMINER	
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			NELSON, FREDA ANN	
			ART UNIT	PAPER NUMBER

3639

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/761,844

Applicant(s)

ONOE, MASASHI

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/08/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 and 34-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 34-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is in response to a communication filed March 8, 2004 wherein:

Claims 1-2, 4-5, 7, 9-10, 16-17, and 24-29 have been amended;

Claims 31-33 have been canceled;

Claims 34-35 have been added; and

Claims 1-30 and 34-35 are currently pending.

### ***Response to Amendment and Argument***

1. Applicant's arguments with respect to claims 1-30 and 34-35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language is directed to an apparatus. However, it appears that the applicant is claiming a method.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al. (Patent Number 4,404,639) in view of "LH Web site focuses on franchise costs".

In claim 1, McGuire et al. disclose that the system relates to the workflow involved in diagnosing and servicing a vehicle from the time a customer arrives for an estimate of charges until the invoice has been completed for that vehicle

(col. 2, lines 63-66). McGuire et al. disclose that service station 10 includes equipment in the form of a printer 12, a video display device 14 with keyboard 15, an analyzer 16, and a viewer 18 (col. 3, lines 7-9). McGuire et al. disclose that the operator uses the keyboard 15 for display on CRT 14 to enter the customer information into the system (col. 4, lines 58-60). McGuire et al. further disclose that when all the charges for labor, parts, and sublet work repairs have been tallied and accepted by the dealer, the system will calculate the applicable state and local tax and generate the total amount for that invoice (col. 9, lines 20-24).

McGuire et al. does not disclose a charge calculating device for calculating introduction expenses of facilities required for working as the franchisee that provides the automobile repairing services. "LH Web site focuses on franchise costs" discloses that Lodging owners and operators shopping for anew franchise partner can get some quick math help from Lodging Hospitality's new interactive Web site (page 1). "LH Web site focuses on franchise costs" further discloses that once the user accesses the site and answers a few simple question about the potential franchise property, LHOnline's Franchise Calculator will instantly figure the total annual fees for any brand (page 1). "LH Web site focuses on franchise costs" still further discloses that current rates for virtually any franchise are available through LHOnline (page 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of McGuire et al. to include the feature of "LH Web site focuses on franchise costs" in order to gain instant access to the rates (starting fees) of franchises.

5. Claims 2-3 and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al. in view of "LH Web site focuses on franchise costs", in further view of "Too good to be true?"

In claim 2–3 and 17-24, McGuire et al. does not disclose that the inputting Information is a scale information of a repair shop. "Too good to be true?" discloses that there are literally thousands of franchises out there. Everything from slinging burgers, to changing oil or selling tires and automotive service (page 1). "Too good to be true?" discloses that the spokesman for Akron-based Goodyear said, "Our program works with the entrepreneur to help select a location, equipment, displays, computers, fixtures, and training – everything needed to open a store. We also help arrange financing to buy the land, building and equipment, or negotiate a lease, and provide professional counselors who offer advice on how to set up a business, merchandising etc. " (page 2, paragraphs 8 and 9). "Too good to be true?" further discloses that the vice president of franchise development for Tire Warehouse Central (TWC) said some franchisees fail because they pay an astronomical amount up front , including huge royalties, before they make a dollar, for privileges to use the system (page 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McGuire et al. to include the scale information feature disclosed in "Too good to be true?" in order to provide a system that is customizable to a franchisee's business.

In claim 25, McGuire et al. disclose that the system relates to the work flow involved in diagnosing and servicing a vehicle from the time a customer arrives for an estimate of charges until the invoice has been completed for that vehicle (col. 2, lines 63-66). McGuire et al. disclose that when all the charges for labor, parts, and sublet work repairs have been tallied and accepted by the dealer, the system will calculate the applicable state and local tax and generate the total amount for that invoice (col. 9, lines 20-24). McGuire et al. disclose that the system shown in FIG. 1, illustrates the station 10 connected by a communication link 24 to a network computer 26 which functions to address, process, route, prioritize, and other data functions between the station 10 and sources of supply information (col. 3, lines 27-33). McGuire et al. does not disclose an apparatus for calculating charges required for working as a franchises of facilities required for providing automobile repairing services.

In claim 26 and 28, McGuire et al. disclose that the system relates to the work flow involved in diagnosing and servicing a vehicle from the time a customer arrives for an estimate of charges until the invoice has been completed for that vehicle (col. 2, lines 63-66). McGuire et al. further disclose that the daily recap goes through the Work order In Progress file and tallies items such as: tires, batteries, accessories, parts, lubrication, labor, other product, sales tax, total sales, work orders completed, and work orders outstanding (col. 9, lines 42-60).

In claim 27, McGuire et al. disclose that as part of the vehicle identifications procedure, a list of parts required for tune-up is printed is

printed by the printer with the parts list, the mechanic can remove from stock and assign to the vehicle being serviced those parts necessary for a tune-up (col. 8, lines 27-31).

In claims 29 and 30, McGuire et al. disclose that service station 10 includes equipment in the form of a printer 12, a video display device 14 with keyboard 15, an analyzer 16, and a viewer 18 (col. 3, lines 7-9). McGuire et al. disclose that the operator uses the keyboard 15 for display on CRT 14 to enter the customer information into the system (col. 4, lines 58-60). McGuire et al. further disclose that when all the charges for labor, parts, and sublet work repairs have been tallied and accepted by the dealer, the system will calculate the applicable state and local tax and generate the total amount for that invoice (col. 9, lines 20-24). McGuire et al. Still further disclose that the individual station data may also include an individual station's accounting or service records which are machine-stored and retrievable through the network computer link (col. 3, lines 59-62).

6. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al. in view of "LH Web site focuses on franchise costs", in further view of "Too good to be true?", still in further view of "Hard data on franchises. (Federal Trade Commission's Uniform Franchise Offering Circular).

In claim 4, "Too good to be true?" discloses that all information about a firm's program is available in what is known as its Uniform Franchise Offering



Circular (UFOC). "Too good to be true does not disclose that the specific repairing method comprises a method using procedures, repairing instruments, and repairing materials. "Hard data on franchises. (Federal Trade Commission's Uniform Franchise Offering Circular)" discloses that franchisors must provide the table of contents from the franchise operating manual, the instructions for operating the franchise, and regulations that are specific to the company's industry (page 3).

In claim 5, "Too good to be true?" further discloses that all information about a firm's program is available in what is known as its Uniform Franchise Offering Circular (page 1).

In claim 6 -9, McGuire et al. disclose that as part of the vehicle Identifications procedure, a list of parts required for tune-up is printed by the printer. With the parts list, the mechanic can remove from stock and assign to the vehicle being serviced those parts necessary for a tune-up (col. 8, lines 27-31). McGuire et al. disclose that it has been known to provide manuals for service information and, more recently, to provide service information in microfilm form for review on a view screen (col. 1, lines 63-66).

McGuire et al. does not disclose a repairing process in which usage duration of repairing instruments is defined, and repairing instruments are with a timing device for timing such that usage is finished in said usage duration. It would have been obvious to one of ordinary skill in the art at the time the invention was made that it was an old and well known that mechanics use the Motor manual which provides them with

standards for usage amounts or materials, usage duration of repairing and a timeframe in which the repair is to be completed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include standards in the Motor manual to get the advantage of staying competitive with other automotive service stations.

In claim 10, "Too good to be true?" discloses that the spokesman for Akron-based Goodyear said, "Our program works with the entrepreneur to help select a location, equipment, displays, computers, fixtures, training – everything needed to open a store. We also help arrange financing to buy the land, building and equipment, or negotiate a lease, and provide professional counselors who offer advice on how to set up a business, merchandising etc. " (page 2). Clark further discloses that all information about a firm's program is available in what is known as its Uniform Franchise Offering Circular (page 1).

7. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al. in view of "LH Web site focuses on franchise costs" in further view of "Too good to be true?", still in further view of "Hard data on franchises. (Federal Trade Commission's Uniform Franchise Offering Circular) in still further view of Tsutomu et al. (JP 2000-23255).

In claims 11-13 and 15-16, McGuire et al. disclose that the daily recap goes through the Work order In Progress file and tallies items such as: tires, batteries, accessories, parts, lubrication, labor, other product, sales tax, total

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sales, work orders completed, and work orders outstanding (col. 9, lines 42-60). McGuire et al. does not disclose a managing device for managing inventories of repairing materials to be supplied to franchisees. Tsutomu et al. disclose a data transmission system between stores and a headquarter for realizing task processing by connecting a headquarter server through a communication line with plural stores' POS devices without any store server (Abstract). Tsutomu et al. further disclose that the system has a task managing part 13 for operating sales management, inventory control, and prompt report data or the like (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McGuire et al. to include the system of Tsutomu et al. to enable the franchisor to manage stock being supplied to franchisees.

In claim 14, McGuire et al. disclose that the network computers 26 illustrated may also service a number a number of other service stations within the same regional area. (col. 4, lines 31-37). McGuire et al. does not disclose a branching plan information preparing device. Tsutomu et al. disclose a data transmission system between stores and a headquarter for realizing task processing by connecting a headquarter server through a communication line with plural stores' POS devices without any store server (Abstract). Tsutomu et al. further disclose that the system has a task managing part 13 for operating sales management, inventory control, and prompt report data or the like (Abstract). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the system of McGuire et al. to include the system of Tsutomu et al. to enable the franchisor to output information based on the franchisees in a regional area.

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al. (Patent Number 4,404,639) in view of "LH Web site focuses on franchise costs".

In claim 34, McGuire et al. disclose that the system relates to the work flow involved in diagnosing and servicing a vehicle from the time a customer arrives for an estimate of charges until the invoice has been completed for that vehicle (col. 2, lines 63-66). McGuire et al. disclose that service station 10 includes equipment in the form of a printer 12, a video display device 14 with keyboard 15, an analyzer 16, and a viewer 18 (col. 3, lines 7-9). McGuire et al. disclose that the operator uses the keyboard 15 for display on CRT 14 to enter the customer information into the system (col. 4, lines 58-60). McGuire et al. further disclose that when all the charges for labor, parts, and sublet work repairs have been tallied and accepted by the dealer, the system will calculate the applicable state and local tax and generate the total amount for that invoice (col. 9, lines 20-24).

McGuire et al. does not disclose comparing said scale information to introduction plan information stored in said charge information processing apparatus, wherein a determination is made of which items from said introduction plan information are required to be introduced into said repair shop; and calculating the introduction expenses based on at least data obtained from said comparison between said scale

information and said introduction plan information, and information included in charge calculation base data stored in said charge information processing apparatus such that introduction expense data is readily available. "LH Web site focuses on franchise costs" discloses that Lodging owners and operators shopping for a new franchise partner can get some quick math help from Lodging Hospitality's new interactive Web site (page 1). "LH Web site focuses on franchise costs" further discloses that once the user accesses the site and answers a few simple question about the potential franchise property, LHOnline's Franchise Calculator will instantly figure the total annual fees for any brand (page 1). "LH Web site focuses on franchise costs" still further discloses that current rates for virtually any franchise are available through LHOnline (page 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of McGuire et al. to include the feature of "LH Web site focuses on franchise costs" in order to gain instant access to the rates (starting fees) of franchises.

9. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al. (Patent Number 4,404,639) in view of "LH Web site focuses on franchise costs" in further view of Clark et al. (6,351,738).

In claim 35, McGuire et al. does not disclose a computer program comprising: means for accepting scale information of an automobile repair shop entered via an input apparatus and storing said scale information in a storage apparatus, and means for calculating introduction expenses based on said inputted scale information and charge calculation base data stored in said storage apparatus. "LH Web site

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focuses on franchise costs” discloses that Lodging owners and operators shopping for anew franchise partner can get some quick math help from Lodging Hospitality’s new interactive Web site (page 1). “LH Web site focuses on franchise costs” further discloses that once the user accesses the site and answers a few simple question about the potential franchise property, LHOnline’s Franchise Calculator will instantly figure the total annual fees for any brand (page 1). “LH Web site focuses on franchise costs” still further discloses that current rates for virtually any franchise are available through LHOnline (page 1). Clark discloses that other than a certain quantity of computer hardware and software upon which to implement its operations, HBE 412 possesses no other tangible assets such as land, buildings, equipment or vehicles ( col. 9, lines 38-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of McGuire et al. to include the feature of Clark in order to instruct the system to access to the rates (starting fees) of franchises.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

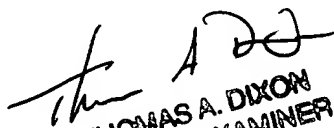
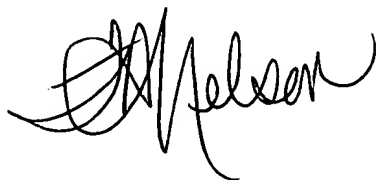
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 05/05/2006



THOMAS A. DIXON  
PRIMARY EXAMINER